

1 TOMIO B. NARITA (SBN 156576)  
tnarita@snllp.com  
2 R. TRAVIS CAMPBELL (SBN 271580)  
tcampbell@snllp.com  
3 LIANA MAYILYAN (SBN 295203)  
lmayilyan@snllp.com  
4 SIMMONDS & NARITA LLP  
44 Montgomery Street, Suite 3010  
5 San Francisco, CA 94104-4816  
Telephone: (415) 283-1000  
6 Facsimile: (415) 352-2625

7 Attorneys for Defendant  
Portfolio Recovery Associates, LLC  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 ZOE LETTY JAMES, individually  
and on behalf of all others similarly  
14 situated,

15 Plaintiff,

16 v.  
17

18 PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

19 Defendant.  
20

CASE NO.: 14-cv-03889 RMW

**STIPULATION TO VACATE ORDER  
COMPELLING ARBITRATION AND  
STAYING CASE [DOC. NO. 26]**

1 Plaintiff Zoe Letty James (“Plaintiff”), on behalf of herself and the alleged  
2 class, and defendant Portfolio Recovery Associates, LLC (“Defendant”), by and  
3 through their respective counsel, hereby stipulate and jointly request that the Court  
4 vacate the Order granting Defendant’s motion to compel arbitration and staying this  
5 action (Doc. No. 26), and that the Court set the matter for a status conference. The  
6 following is stated in support.

7 WHEREAS, on February 20, 2015, the Court granted Defendant’s Motion to  
8 Compel Arbitration and stayed this action pending the results of arbitration (Doc.  
9 No. 26);

10 WHEREAS, on April 8, 2015, the Court granted Plaintiff’s Motion for Leave  
11 to File a Motion for Reconsideration (Doc. No. 36);

12 WHEREAS, Plaintiff filed her Motion for Reconsideration on April 22, 2015  
13 (Doc. No. 37), and a hearing is set for May 29, 2015;

14 WHEREAS Defendant’s deadline to oppose Plaintiff’s Motion for  
15 Reconsideration is May 6, 2015;

16 WHEREAS, although Defendant disputes the positions taken in Plaintiff’s  
17 Motion for Reconsideration and believes that it has authority to arbitrate the claims  
18 in this action, Defendant has made a business decision and elects not to pursue  
19 arbitration of this claim.

20 WHEREFORE, the Parties stipulate and jointly request the Court enter an  
21 Order as follows:

- 22 1. The Order granting Defendant’s motion to compel arbitration and  
23 staying this action (Doc. No. 26) is VACATED;
- 24 2. Plaintiff’s Motion for Reconsideration (Doc. No. 37) is DENIED as  
25 MOOT;
- 26 3. Set a further Status Conference so that the parties may proposed a case  
27 schedule.

1  
2 DATED: May 5, 2015

SIMMONDS & NARITA LLP  
TOMIO B. NARITA  
R. TRAVIS CAMPBELL  
LIANA MAYILYAN

3  
4  
5 By: s/R. Travis Campbell  
6 R. Travis Campbell  
7 Attorneys for Defendant  
Portfolio Recovery Associates, LLC  
8

9 DATED: May 5, 2015

10 CONSUMER LAW CENTER, INC.  
FRED W. SCHWINN  
RAEON R. ROULSTON

11  
12 By: s/Fred W. Schwinn  
13 Fred W. Schwinn  
14 Attorneys for Plaintiff  
Zoe Letty James  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 TOMIO B. NARITA (SBN 156576)  
tnarita@snllp.com  
2 R. TRAVIS CAMPBELL (SBN 271580)  
tcampbell@snllp.com  
3 LIANA MAYILYAN (SBN 295203)  
lmayilyan@snllp.com  
4 SIMMONDS & NARITA LLP  
44 Montgomery Street, Suite 3010  
5 San Francisco, CA 94104-4816  
Telephone: (415) 283-1000  
6 Facsimile: (415) 352-2625

7 Attorneys for Defendant  
Portfolio Recovery Associates, LLC  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 ZOE LETTY JAMES, individually  
and on behalf of all others similarly  
14 situated,

15 Plaintiff,

16 v.  
17

18 PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

19 Defendant.  
20 \_\_\_\_\_

CASE NO.: 14-cv-03889 RMW

~~PROPOSED~~ ORDER GRANTING  
STIPULATION TO VACATE ORDER  
COMPELLING ARBITRATION AND  
STAYING CASE

1 The Court, having reviewed the stipulation and joint request of the parties to  
2 vacate the Order granting Defendant's motion to compel arbitration and staying this  
3 action, and good cause appearing, it is hereby ORDERED as follows:

- 4 1. the Order granting Defendant's Motion to Compel Arbitration and  
5 staying this case pending the results of arbitration (Doc. No. 26) is  
6 hereby VACATED.
- 7 2. Plaintiff's Motion for Reconsideration (Doc. No. 37) is DENIED as  
8 MOOT.
- 9 3. A Status Conference is set for **June 12**, 2015. The parties shall  
10 file a joint statement pursuant to Federal of Civil Procedure 26 no later  
11 than two weeks before the Conference.

12 IT IS SO ORDERED.

13  
14 Dated: **5/12/15**



15 Honorable Ronald M. Whyte  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28